

Adam A. Edwards*
aedwards@milberg.com
William A. Ladnier (CA Bar No. 330334)
wladnier@milberg.com
Virginia Ann Whitener*
gwhitener@milberg.com
MILBERG COLEMAN BRYSON
PHILLIPS GROSSMAN, PLLC
800 S. Gay Street, Suite 1100
Knoxville, TN 37929
Tel: (865) 247-0080
Fax: (865) 522-0049

* *Admitted pro hac vice*

*Attorneys for Plaintiffs
and the Proposed Classes*

Additional attorneys listed in signature block.

MORGAN, LEWIS & BOCKIUS, LLP
David L. Schrader, Bar No. 149638
david.schrader@morganlewis.com
300 South Grand Avenue
Twenty-Second Floor
Los Angeles, CA 90071-3132
Tel: +1.213.612.2500
Fax: +1.213.612.2501

Mark A. Feller, Bar No. 319789
mark.feller@morganlewis.com
One Market, Spear Street Tower
San Francisco, CA 94105
Phone: (415) 442-1000
Attorneys for Defendant Tesla, Inc.

Brian M. Ercole
(admitted *pro hac vice*)
brian.ercole@morganlewis.com
Matthew M. Papkin
(*pro hac vice* motion forthcoming)
matthew.papkin@morganlewis.com
600 Brickell Ave, Suite 1600
Miami, FL 33131-3075
Tel: +1.305.415.3000
Fax: +1.305.415.3001

Attorneys for Defendant Tesla Inc.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JAMES PORTER, BRYAN PEREZ, and
DRO ESRAEILI ESTEPANIAN, on behalf of
themselves and all other similarly situated,

Plaintiff,

vs.

TESLA, INC. d/b/a TESLA MOTORS, INC.,

Defendant.

Case No. 4:23-CV-03878-YGR

CLASS ACTION

**JOINT STIPULATION AND
[PROPOSED] ORDER**

1 Pursuant to Civil Local Rule 6-2, Plaintiffs James Porter, Bryan Perez, and Dro Esraeli
2 Estepanian (“Plaintiffs”), together with Defendant Tesla, Inc. d/b/a Tesla Motors, Inc. (“Tesla”),
3 by and through their respective counsel of record, jointly stipulate as follows:

4 WHEREAS, Plaintiffs filed their Complaint on August 2, 2023, ECF No. 1;

5 WHEREAS, the Parties jointly stipulated to extend the time for Tesla to respond to the
6 Complaint, and the Court granted that stipulation to extend the time for Tesla to respond to the
7 Complaint to October 13, 2023, ECF Nos. 22, 28;

8 WHEREAS, the Court has set the Initial Case Management Conference in this Action on
9 November 6, 2023, and the Parties’ Joint Case Management Statement due on October 30, 2023,
10 ECF No. 8;

11 WHEREAS, the Court has determined that other actions, *Corona, et al. v. Tesla, Inc.*, No.
12 4:23-cv-03902, and *Van Diest v. Tesla, Inc. dba Tesla Motors, Inc.*, No. 4:23-cv-04098, are related
13 to this Action, ECF No. 27;

14 WHEREAS, Plaintiffs and Tesla, along with the parties in the related actions, met and
15 conferred on October 9, 2023, regarding upcoming deadlines;

16 WHEREAS, Plaintiffs in this Action have indicated that they intend to amend their
17 Complaint;

18 WHEREAS, Tesla has indicated it intends to move to dismiss the complaints in each of the
19 related actions and to move to compel arbitration in, at least, this Action and the *Van Diest* action;

20 WHEREAS, the Parties anticipate that briefing on Tesla’s motions to dismiss and/or compel
21 arbitration in the related actions will involve overlapping legal issues and arguments;

22 WHEREAS, judicial economy and the interests of the parties would be served by extending
23 Tesla’s time to respond to the operative complaints, such that Tesla’s time to respond is consistent
24 in each of the related actions, and by setting the case management conference after the completion
25 of such briefing;

26 ///

27 ///

28 ///

THEREFORE, IT IS HEREBY AGREED AND STIPULATED THAT:

Plaintiffs' time to amend their operative complaint in this Action will be extended to October 23, 2023;

Tesla's time to respond to the operative complaint in this Action will be extended to November 22, 2023.

The Initial Case Management Conference is rescheduled from November 6, 2023, to January 22, 2024, or another available date at the Court's convenience following the completion of briefing on Tesla's anticipated motions to dismiss and/or compel arbitration. Accordingly, the parties' rule 26(f) report, CMC statement, and initial disclosures (or objections thereto) are due on January 15, 2024.

DATED: October 12, 2023

/s/ William A. Ladnier

Adam A. Edwards*
aedwards@milberg.com
William A. Ladnier (CA Bar No. 330334)
wladnier@milberg.com
Virginia Ann Whitener*
gwhitener@milberg.com
**MILBERG COLEMAN BRYSON
PHILLIPS GROSSMAN, PLLC**
800 S. Gay Street, Suite 1100
Knoxville, TN 37929
Tel: (865) 247-0080
Fax: (865) 522-0049

Alex R. Straus (CA Bar No. 321366)
astraus@milberg.com
**MILBERG COLEMAN BRYSON
PHILLIPS GROSSMAN, PLLC**
280 S. Beverly Drive, PH Suite
Beverly Hills, CA 90212
Tel: (866) 252-0878
Fax: (310) 496-3176

/s/ David L. Schrader

MORGAN, LEWIS & BOCKIUS, LLP
David L. Schrader, Bar No. 149638
david.schrader@morganlewis.com
300 South Grand Avenue
Twenty-Second Floor
Los Angeles, CA 90071-3132
Tel: +1.213.612.2500
Fax: +1.213.612.2501

Mark A. Feller, Bar No. 319789
mark.feller@morganlewis.com
One Market, Spear Street Tower
San Francisco, CA 94105
Phone: (415) 442-1000
Attorneys for Defendant Tesla, Inc.

Brian M. Ercole
(admitted *pro hac vice*)
brian.ercole@morganlewis.com
Matthew M. Papkin
(*pro hac vice* motion forthcoming)
matthew.papkin@morganlewis.com
600 Brickell Ave, Suite 1600
Miami, FL 33131-3075
Tel: +1.305.415.3000
Fax: +1.305.415.3001

Attorneys for Defendant Tesla Inc.

1 Mitchell Breit*
2 mbreit@milberg.com
3 **MILBERG COLEMAN BRYSON**
4 **PHILLIPS GROSSMAN, PLLC**
5 405 E. 50th Street
6 New York, NY 1002
7 Tel: (347) 668-8445

8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

* *Admitted pro hac vice*

*Attorneys for Plaintiffs
and the Proposed Classes*

ORDER

PURSUANT TO THE STIPULATION,

1. Plaintiffs' time to file an Amended Complaint is extended to October 23, 2023.

2. Defendant Tesla Inc.'s time to respond to the operative complaint is extended to November 22, 2023.

3. The Initial Case Management Conference is rescheduled from November 6, 2023, to January 22, 2024. The parties' rule 26(f) report, CMC statement, and initial disclosures (or objections thereto) are due on January 15, 2024.

IT IS SO ORDERED.

Dated: _____

Honorable Yvonne Gonzalez Rogers
United States District Court Judge